

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Agenda August 9, 2016 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilwoman Casáls-Muñoz

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

1. Announcement of Amendments/Corrections to the Agenda –
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on July 12, 2016. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City due to changes in the original scope of work and unforeseen conditions, and increase purchase order # 2016-1916, issued to Marrero Group Builders, LLC, for exterior stucco repairs to JFK Library, by an additional amount of \$11,200, for a new total cumulative amount not to exceed \$26,200. (CONSTRUCTION & MAINTENANCE DEPT. AND GRANTS & HUMAN SERVICES DEPT.)
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and renew the contract between the City of Hialeah and Action Cleaning Services AP, Inc., for citywide janitorial services for a three (3) year period commencing on October 1, 2016 and ending on September 30, 2019, in an amount not to exceed \$363,289.80, plus an additional \$91,440 to clean eight (8) additional affordable housing buildings, in a new total cumulative amount not to exceed \$454,729.80, with an increase to the cost of the services proposed by the vendor in order to provide their employees with benefits and modifications to their hourly wages. (CONSTRUCTION & MAINTENANCE DEPT.)
- D. Proposed resolution accepting a grant award from The Children's Trust in the amount of \$1,055,718.00 for aftercare and summer camp programs for one-year commencing on August 1, 2016 through July 31, 2017, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a grant agreement in a form acceptable to the City Attorney and to execute any and all documents in furtherance thereof. (EDUCATION & COMMUNITY SERVICES DEPT.)
- E. Proposed resolution accepting a grant award from The Children's Trust in the amount of \$363,656.00 for youth enrichment, employment and support programs, for one-year commencing on August 1, 2016 through July 31, 2017, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a grant agreement in a form acceptable to the City Attorney and to execute any and all documents in furtherance thereof. (EDUCATION & COMMUNITY SERVICES DEPT.)
- F. Request permission to utilize Miami-Dade County Bid # 5745-2/14-2 – *Parts/SVCS for Buses & SUP Equip-Prequal*, and increase purchase order 2016-716, issued to Florida Transportation Systems, Inc., to purchase bus parts and accessories for the City's Blue Bird buses, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$110,000. (FLEET MAINTENANCE DEPT.)
- G. Request permission to utilize Miami-Dade County Bid # 5745-2/14-2 – *Parts/SVCS for Buses & SUP Equip-Prequal*, and increase purchase order 2016-717, issued to Hunt Incorporated doing business as Thermo King of Miami, to pay for air conditioning repairs, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$35,000. (FLEET MAINTENANCE DEPT.)
- H. Request permission to utilize Miami-Dade County Bid # 5745-2/14-2 - *Parts/SVCS for Buses & SUP Equip-Prequal*, and increase purchase order 2016-736, issued to K.V.P Enterprises,

Inc. doing business as Expert Diesel, to purchase truck parts, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$145,000. (FLEET MAINTENANCE DEPT.)

- I. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the City's Department of Public Works, and issue a purchase order to Sunbelt Rentals, Inc., for the rental payments of the bypass booster pump at pump station 106, in a total cumulative amount not to exceed \$28,787.51. (DEPT. OF PUBLIC WORKS)
- J. Request permission to waive competitive bidding, since it is advantageous to the City due to this vendor's familiarity with the Reverse Osmosis Water Treatment Plant project, and issue a purchase order to Environmental Consultants, LLC, vendor providing the City with the services of mitigation, monitoring and maintenance of the Reverse Osmosis Water Treatment Plant wetlands, for the services of providing mitigation monitoring reports to the Reverse Osmosis Water Treatment Plant's permitting agencies for the 10-acre mitigation area and for payment of last year's maintenance of the mitigation area for listed nuisance plant species, in a total cumulative amount not to exceed \$29,405. (DEPT. OF PUBLIC WORKS)
- K. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Schaefer Systems International, Inc., vendor providing the lowest quotation, to purchase one thousand (1,000) new 95-gallon Schaefer containers, in a total cumulative amount not to exceed \$47,050. (DEPT. OF PUBLIC WORKS)
- L. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-804, issued to Overland Carriers Incorporated, to purchase lime rock, ballast rock, and other materials needed to repair and construct roadway and drainage throughout the City, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$59,500. (STREETS DEPT.)
- M. Request from Miami Tri Events, for a Temporary Street Closure Permit, for the 2016 Ironman 70.3 Miami event, with the 56 mile route beginning at Bayfront Park in Downtown Miami and traveling northwest on US 27/Okeechobee Road, passing through the City of Hialeah, one lane North and on lane South, on Sunday, October 23, 2016 from 7:00 a.m. to 4:00 p.m. (LAW DEPT.)
- N. Proposed resolution authorizing the Mayor and or his designee to execute and implement (*non-substantial*) budget amendments to the City of Hialeah Community Development Block Grant (CDBG) Program for fiscal year 2015-2016, covering the period from October 1, 2015 through September 30, 2016. (GRANTS & HUMAN SERVICES DEPT.)
- O. Proposed resolution authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida, to submit to the United States Department of Housing and Urban Development (HUD), the Action Plan for fiscal year 2016-2017, including amendments and revisions thereto, and to execute any and all agreements, certifications and assurances in furtherance of the programs in the Action Plan in accordance with the US HUD regulations. (GRANTS & HUMAN SERVICES DEPT.)

- P.** Proposed resolution authorizing the Mayor and or his designee to execute and implement (*substantial*) budget amendments to the City of Hialeah Community Development Block Grant (CDBG) Program for fiscal year 2015-2016, covering the period from October 1, 2015 through September 30, 2016. (GRANTS & HUMAN SERVICES DEPT.)
- Q.** Proposed resolution authorizing the Mayor or his designee to accept State Housing Initiative Partnership Program Funds appropriated by the Florida Legislature in the amount of \$932,425.00 and administered by the Florida Housing Finance Agency to be used in the rehabilitation of residential properties owned by qualifying low income families throughout the City of Hialeah during the term of July 1, 2016 through June 30, 2019; and authorizing the Mayor or his designee to execute any and all documents necessary to carry out this resolution. (GRANTS & HUMAN SERVICES DEPT.)
- R.** Proposed resolution authorizing the Mayor or his designee to accept a direct award from the United States Department of Justice, Bureau of Justice Assistance, under the fiscal year 2016 Edward Byrne Memorial Justice Assistance Grant Program, for the total amount of \$60,987.00, for the procurement of police patrol vehicles; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof; and authorizing the establishment of a separate interest bearing trust account designated for this program. (GRANTS & HUMAN SERVICES DEPT.)
- S.** Proposed resolution approving the amended State Housing Initiative Partnership Program Local Housing Assistance Plan (LHAP) for fiscal years 2016-2017, 2017-2018, and 2018-2019 to add a new strategy to the existing Local Housing Assistance Plan to better serve the residents of the City of Hialeah; authorizing the submission of the amended Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing an effective date. (GRANTS & HUMAN SERVICES DEPT.)
- T.** Proposed resolution authorizing the Mayor and City Clerk, on behalf of the City of Hialeah, Florida, to enter into contract with Florida Housing Coalition, a Florida corporation, to provide technical assistance to our SHIP Program in an amount not to exceed the sum of fifteen thousand (\$15,000.00) dollars. (GRANTS & HUMAN SERVICES DEPT.)
- U.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Horizon Contractors Inc, vendor providing the lowest quotation, for reconstruction work at West 5th Avenue from West 29th Street to West 33rd Street, including a ten percent (10%) contingency fee, in a total cumulative amount not to exceed \$122,756.59. (STREETS DEPT.)
- V.** Proposed resolution reaffirming the City's policy of non-discrimination in its services, programs, and activities based on an individual's race, color, religion, national origin, age, sex, disability, or any other protected status under state or federal law. (ADMINISTRATION)
- W.** Proposed resolution adopting the City of Hialeah Streets Department Title VI Program Plan reaffirming the City's policy of non-discrimination in its public roadway system, and establishing a complaint procedure and a public participation plan to ensure the public equal

distribution to, participation in and enjoyment of the benefits of the City of Hialeah's public roadway services, a copy of which is attached as "Exhibit A". (STREETS DEPT.)

- X. Proposed resolution urging state and federal elected officials to avoid a public health crisis by prioritizing the funding of all necessary preparedness and response efforts to adequately combat the spread of Zika virus. (MAYOR HERNANDEZ)
- Y. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to enter into a Fifth Amendment to the Professional Services Agreement between the City of Hialeah and MV Contract Transportation, Inc., dated October 29, 2010 for the operation of the City's Bus Transit System, renewing the term of the agreement for an additional five years beginning on October 1, 2016 and ending on September 30, 2021; increasing the premium rate for bus service hours in excess of the base, and as further provided in the amendment, a copy of which is attached hereto and made a part hereof as Exhibit "1". (TRANSIT)
- Z. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Fourth Amendment to the Bus Lease Agreement renewing the term for five years commencing on October 1, 2016 and ending on September 30, 2021, a copy of which is attached hereto and made a part hereof as Exhibit "1". (TRANSIT)
- 3. First reading of proposed ordinance vacating a portion of the right of way lying northwesterly of and adjacent to Lots 1 and 2, of Block 1 in Gratigny Lawns, according to the Plat thereof as recorded in Plat Book 22, at Page 74, of the Public Records of Miami-Dade County, Florida, containing an area of approximately 545 square feet, more or less, **property located at 10 East 65 Street, Hialeah, Florida**, and more particularly described in the surveyor's legal description and location sketch attached hereto and made a part hereof as Exhibit "A". (STREETS DEPT.)
- 4. Board Appointments –
 - a. Proposed resolution appointing **Patrick Carnevale** to the Personnel Board of the City of Hialeah, as the City Council's appointment, for a two (2)-year term ending on June 26, 2018. (CITY COUNCIL)
 - b. Proposed resolution reappointing **Lajiri Francisco Cabrera** as a member of the Planning and Zoning Board for a two (2)-year term ending on September 9, 2018. (COUNCIL PRESIDENT GONZALEZ)
 - c. Proposed resolution reappointing **Juan Sanchez** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2018. (COUNCILWOMAN GARCIA-MARTINEZ)
- 5. Unfinished Business -
- 6. New Business -
- 7. Comments and Questions-

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2010-43 (June 22, 2010), that granted a Conditional Use Permit (CUP) to allow a K-10th grade charter school with a maximum total enrollment of 700 students pursuant to Hialeah Code §98-181(2)(i), and granted a variance permit to allow 126 parking spaces, where at least 137 were required contra to Hialeah Code §98-2189(9) on property located at 590-600 West 20 Street, Hialeah, Florida; repealing and rescinding Hialeah, Fla., Ordinance 2012-47 (August 28, 2012), that granted a Conditional Use Permit (CUP) to allow a middle through senior high (6 – 12 grade) charter school with a maximum of total enrollment of 1,300 students pursuant to Hialeah Code §98-181(2)(i) to property located at 651 West 20 Street, Hialeah, Florida; repealing and rescinding Hialeah, Fla., Ordinance 2012-77 (November 13, 2012) that granted a Conditional Use Permit (CUP) to allow a middle through senior high (6 – 12 grade) charter school with a maximum of total enrollment of 440 students pursuant to Hialeah Code §98-181(2)(i) to property located at 620 West 20 Street, Hialeah, Florida; releasing Declaration of Restrictive Covenants recorded on Book 27361 at Page 3873; releasing Declaration of Restrictions recorded on Book 28654 at Page 3287; releasing Declaration of Restrictions recorded on Book 28393 at Page 3672; and further granting a Conditional Use Permit (CUP) to allow a pre-k-12 grade charter school with a maximum total enrollment of 2,940 students pursuant to Hialeah Code §98-181(2)(i) on properties zoned M-1 (Industrial District). **Properties located at 590-600 West 20 Street, 651 West 20 Street, 620 West 20 Street, and 701 West 20 Street, Hialeah, Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hugo P. Arza, Esq. on behalf of Hialeah School Development 2, LLC*)

<i>Item was approved by the Planning and Zoning Board on June 22, 2016.</i>
<i>Planner's Recommendation: Approve with conditions</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i>
<i>Owner of property: Ignacio & Fernando Zulueta, 6340 Sunset Drive, Miami, Florida.</i>

FINAL DECISIONS

- FD 1.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 16-08 that granted an adjustment on property located at **371 Pash-e-ho-wa Drive, Hialeah, Florida;** and providing for an effective date. (*Applicant: Eufemia Olivera*)

<i>Item was approved by the Planning and Zoning Board on June 22, 2016.</i>

<i>Planner's Recommendation: Approval</i>
<i>Owner of the property: Eufemia Olivera, 371 Pash-e-ho-wa Drive, Hialeah, Florida.</i>

- FD 2.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 16-09 that granted an adjustment on property located at **530 West 79th Street, Hialeah, Florida;** and providing for an effective date. (*Applicant: Liza Lopez*)

<i>Item was approved by the Planning and Zoning Board on June 22, 2016.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the property: Liza Lopez, 8004 NW 154 Street, #438, Miami, Florida 33016</i>

- FD 3.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 16-10 that granted an adjustment on property located at **5565 East 6 Avenue, Hialeah, Florida;** and providing for an effective date. (*Applicants: Jorge Ruiz and Caridad Montes de Oca*)

<i>Item was approved "as recommended" by the Planning and Zoning Board on June 22, 2016.</i>
<i>Planner's Recommendation: Approve with recommendations</i>
<i>Owners of the property: Jorge Ruiz and Caridad Montes De Oca, 5565 East 6 Avenue, Hialeah, Florida 33012</i>

NEXT CITY COUNCIL MEETING: Tuesday, August 23, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 23, 2016 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305)

883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).